

### **Remarks**

Claim 8 was objected to by the examiner. Claim 8 has been amended. Claims 1-16 were rejected under 35 U.S.C. 102(b) and being anticipated by Jaquith.

The prior art reference to Jaquith (U.S. patent no. 4,030,356) is related to a gravimetric scale mechanism for weighing fluids while in continuous motion. The system includes a milking machine for animals, a weighing mechanism for weighing fluids from the milking machine by measuring the fluid flow using a flow indicating device, a collection container and a vacuum pump.

However, Jaquith does not disclose a breast pump with a breast shield for expressing milk from a woman's breast. Furthermore, Jaquith does not disclose detecting a milk surge from the behavior of the flow of milk over time.

Therefore, the subject matter of the device claim (claim 1) and the method claims (claims 10 and 16) is novel in view of Jaquith. Because the independent claims are novel, the claims dependent therefrom are also novel.

The subject matter is also not obvious in view of Jaquith. The claimed system is a system for detecting a milk surge, i.e. the milk flow gives an indication at which time, with which suction sequence, with which pumping frequency and with which pumping pressure the milk surge occurs. Jaquith is a system for monitoring the milk-out end point, i.e. the end of the milking procedure and is not constructed for and does not suggest use for another purpose. It will especially not be used for a human mother since it is well known in the state of the art that milk expression from a cow works in a different way than milk expression from a human mother.

The two newly added claims are directed toward the mechanism which detects the milk surge including the process of evaluating the measurement curves. New claim 17 specifies that the evaluating means evaluates the measurement curves in order to detect the milk surge. New claim

18 specifies that the evaluation means evaluates a derivative of the measurement curves in order to detect the milk surge. Support for these limitations can be found on page 5, line 13, of the English language application text. Jaquith does not show or suggest such a mechanism or the desirability of detecting milk surge in a human.

Reconsideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Courtright", written over a horizontal line.

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